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U.S. Department of Homeland Security
Bureau of Citizenship and Immigration Services

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ADMINISTRATIVE APPEALS OFFICE
425 Eye Street N.W.
BCIS, AAO, 20 Mass Ave. 3rd Floor
Washington, D.C. 20536



File:  Office: VERMONT SERVICE CENTER

Date: **AUG 20 2003**

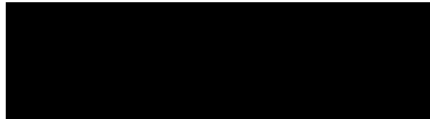
IN RE: Petitioner:
Beneficiary:



Petition: Petition for Special Immigrant Religious Worker Pursuant to Section 203(b)(4) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(4), as described at Section 101(a)(27)(C) of the Act, 8 U.S.C. § 1101(a)(27)(C)

ON BEHALF OF PETITIONER:

PUBLIC COPY



INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. § 103.5(a)(1)(i).

If you have new or additional information that you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Bureau of Citizenship and Immigration Services (Bureau) where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. *Id.*

Any motion must be filed with the office that originally decided your case along with a fee of \$110 as required under 8 C.F.R. § 103.7.

Cindy N. Gomez for
Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The immigrant visa petition was denied by the Director, Vermont Service Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner is a church. It seeks classification of the beneficiary as a special immigrant religious worker pursuant to section 203(b)(4) of the Immigration and Nationality Act (the "Act"), 8 U.S.C. § 1153(b)(4), to perform services as a Pastor. The director determined only that the petitioner had not established that the proposed employer had the ability to pay the beneficiary the proffered wage.

Upon review of the record, the petitioner also appears to not have submitted sufficient evidence to establish that:

- (1) the beneficiary was continuously performing the duties of a qualifying religious vocation or occupation throughout the two-year period immediately preceding the filing date of the petition;
- (2) the petitioner qualifies as a bona fide nonprofit religious organization;
- (3) the beneficiary has received a qualifying job offer;
- (4) the beneficiary is qualified to engage in a religious vocation or occupation.

On appeal, counsel indicates on Form I-290B that a brief and/or evidence would be submitted within 30 days from September 6, 2002. To date, no brief or additional evidence has been received.

Pursuant to 8 C.F.R. § 103.3(a)(1)(v), an officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

Although the instant appeal is summarily dismissed in view of the petitioner's lack of submission of additional evidence on appeal, it is noted that the petitioner submitted some evidence with the initial petition, and that the foregoing additional reasons for denial of this petition were not addressed.

Inasmuch as counsel or the petitioner have failed to identify specifically an erroneous conclusion of law or statement of fact, the appeal will be summarily dismissed.

ORDER: The appeal is summarily dismissed.